

418 Rec'd PCT/PTO JUN 1999



#3

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Assistant Commissioner for Patents

Washington, D.C. 20231 on June 9, 1999

Patent Application  
Docket No. GJE-30  
Serial No. 09/297,486

Dorán R. Pace  
Dorán R. Pace, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : John Francis Martin, Seppo Yla-Herttuala, Stephen George Edward Barker  
Serial No. : 09/297,486  
Filed : April 30, 1999  
For : Therapeutic Use of an Agent That Stimulates NO or Prostacyclin Production and Delivery Device

Box MISSING PARTS  
Assistant Commissioner for Patents  
Washington, D.C. 20231

TRANSMITTAL LETTER

Sir:

The above-referenced patent application was filed with an unsigned Declaration (37 CFR 1.63) and Power of Attorney form and an unsigned Verified Statement (Declaration) Claiming Small Entity Status (37 CFR 1.9(f) and 1.27(c)). Transmitted herewith is a fully executed Declaration (37 CFR 1.63) and Power of Attorney form for the subject application. Also transmitted herewith is an executed Verified Statement Claiming Small Entity Status (37 CFR 1.9(f) and 1.27(c)) form for the subject application. A Notification of Missing Requirements Under 35 USC 371 in the United States Designated/Elected Office was received from the Patent and Trademark Office, and a copy of that Notice is attached hereto.

06/17/1999 PVOLPE 00000097 190065 09297486

01 FC:254 65.00 CH

H:\doc\pto\MissParts\GJE-30.small.ent.dec-poa.wpd/DNB/sl

Docket No. GJE-30  
Serial No. 09/297,486

Please charge the surcharge of \$65.00 to Deposit Account No. 19-0065. The Commissioner is hereby authorized to charge any additional fees which may be required to Deposit Account No. 19-0065. Two copies of this transmittal letter are enclosed.

Respectfully submitted,



Doran R. Pace  
Patent Attorney  
Registration No. 38,261  
Phone No.: 352-375-8100  
Fax No.: 352-372-5800  
Address: 2421 NW 41st Street, Suite A-1  
Gainesville, FL 32606-6669

DRP/sl

Attachments: executed Declaration (37 CFR 1.63) and Power of Attorney form; executed Verified Statement Claiming Small Entity Status form; copy of Notification of Missing Requirements.

John Francis Martin, Seppo Yla-Herttuala,  
Applicant or Patentee: Stephen George Edward Barker Attorney's  
Serial No.: \_\_\_\_\_ Docket No. GJE-30  
Filed: April 30, 1999  
For: Therapeutic Use of an Agent That Stimulates NO or Prostacyclin Production and Delivery  
Device

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9 (f) and 1.27 (c)) – SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Eurogene Limited  
ADDRESS OF CONCERN 67/68 Jermyn Street  
London SW1Y 6NY, United Kingdom

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9 (d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled Therapeutic Use of an Agent That Simulates NO or Prostacyclin Production and Delivery Device by inventor(s) John Francis Martin, Seppo Yla-Herttuala and Stephen George Edward Barker described in:

- ☒ the specification filed herewith  
☐ application serial no. \_\_\_\_\_, filed \_\_\_\_\_  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9 (d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9 (d) or a nonprofit organization under 37 CFR 1.9 (e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change of status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING \_\_\_\_\_  
TITLE OF PERSON OTHER THAN OWNER \_\_\_\_\_  
ADDRESS OF PERSON SIGNING 67/68 Jermyn Street  
London SW1Y 6NY, United Kingdom  
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

## DECLARATION (37 CFR 1.63) AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name; and

I believe that I am the original, first, and sole inventor (if only one name is listed below), or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **THERAPEUTIC USE OF AN AGENT THAT STIMULATES NO OR PROSTACYCLIN PRODUCTION AND DELIVERY DEVICE**, the specification for which

☐ is attached hereto.

☐ was filed \_\_\_\_\_, Serial No. \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code §119 and/or §365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Application Serial No.	Country	Filing Date	Priority Claimed
9622852.3	Great Britain	November 1, 1996	Yes
9709494.0	Great Britain	May 9, 1997	Yes
9717791.9	Great Britain	August 21, 1997	Yes

I hereby claim priority benefits under Title 35, United States Code §119 of any provisional application(s) for patent listed below:

Application Serial No.	Filing Date	Priority Claimed
---------------------------	-------------	------------------

I hereby claim the benefit under Title 35, United States Code, §120 and/or §365 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (Patented, Pending, Abandoned)
---------------------------	-------------	--

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following persons registered to practice before the Patent and Trademark Office as my attorneys with full power of substitution and revocation to prosecute this application and all divisions and continuations thereof and to transact all business in the Patent and Trademark Office connected therewith: David R. Saliwanchik, Reg. No. 31,794; Jeff Lloyd, Reg. No. 35,589; Doran R. Pace, Reg. No. 38,261; Christine Q. McLeod, Reg. No. 36,213; Jay M. Sanders, Reg. No. 39,355; James S. Parker, Reg. No. 40,119; Jean Kyle, Reg. No. 36,987; Timothy H. Van Dyke, Reg. No. 43,218.

I request that all correspondence be sent to:

Doran R. Pace  
Saliwanchik, Lloyd & Saliwanchik  
2421 N.W. 41st Street, Suite A-1  
Gainesville, FL 32606-6669

I further request that all telephone communications be directed to:

Doran R. Pace  
352-375-8100

Name of First or Sole Inventor John Francis Martin

Residence London, United Kingdom Citizenship United Kingdom

Post Office Address The Cruciform Project, Saint Martin's House  
Tottenham Court Road, London W1P 9LN, United Kingdom

Date \_\_\_\_\_

Signature of First or Sole Inventor

\*\*\*\*\*

Name of Second Joint Inventor Seppo Yla-Herttuala

Residence Kuopio, Finland Citizenship Finnish

Post Office Address P.O. Box 1627  
70211 Kuopio, Finland

Date \_\_\_\_\_

Signature of Second Joint Inventor

\*\*\*\*\*

Name of Third Joint Inventor Stephen George Edward Barker

Residence London, United Kingdom Citizenship United Kingdom

Post Office Address The Vascular Unit, Department of Surgery, Sir Jules Thorn Building,  
The Middlesex Hospital, Mortimer Street, London W1N 8AA

Date \_\_\_\_\_

Signature of Third Joint Inventor

\*\*\*\*\*

Name of Fourth Joint Inventor \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_

Post Office Address \_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_

Signature of Fourth Joint Inventor



USA #3

Applicant or Patentee: J.F.MARTIN, S.YLA-HERTTUALA, S.G.E.BARKER Attorneys Docket No. GJE-30  
Application or Patent No: 09/297,486 Filed or Issued: April 30, 1999  
Title: THERAPEUTIC USE OF AN AGENT THAT STIMULATES NO OR PROSTACYCL  
IN PRODUCTION AND DELIVERY DEVICE  
VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN EUROGENE LIMITED

ADDRESS OF CONCERN Marquis House, 67/68 Jermyn Street, London SW1Y 6NY,  
United Kingdom.

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9 (d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in

- ☐ the specification filed herewith.  
☒ the application identified above.  
☐ patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organisation having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as small business concern under 37 CFR 1.9(d), or a non profit organisation under 37 CFR 1.9(e)

Each person, concern or organisation having any rights in the invention is listed below:

- ☒ no such person, concern or organisation exists.  
☐ each such person, concern or organisation is listed below.

Separate verified statements are required from each named person, concern or organisation having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardise the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

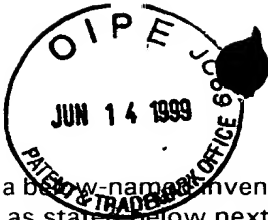
NAME OF PERSON SIGNING N R Parker

TITLE OF PERSON OTHER THAN OWNER Director

ADDRESS OF PERSON SIGNING Eurogene Limited, Marquis House,  
67/68 Jermyn Street, London SW1Y 6NY, United Kingdom

SIGNATURE X

X DATE 19 May 1999



DECLARATION AND POWER OF ATTORNEY

USA #3  
GJE-30

As a below-named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of subject matter which is claimed and for which a patent is sought on an invention entitled  
**THERAPEUTIC USE OF AN AGENT THAT STIMULATES NO OR PROSTACYCL IN PRODUCTION AND DELIVERY DEVICE**

the specification of which ☐ is attached hereto or

☒ was filed on 03 NOV 1997 as United States Application Number or PCT International Application Number PCT/GB97/03015 and was amended on 16 OCT 1998

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for a patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application Number(s)	Country	Foreign Filing Date	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
9622852.3	GB	01 NOV 1996	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9709494.0	GB	09 MAY 1997	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9717791.9	GB	21 AUG 1997	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: David R. Saliwanchik, Reg. 31,794; Jeff Lloyd, Reg. 35,589; Doran R. Pace, Reg. 38,261; Christine Q. McLeod, Reg. 36,213; Jay M. Sanders, Reg. 39,355; James S. Parker, Reg. 40,119; Jean E. Kyle, Reg. 36,987 and Timothy H. Van Dyke, Reg. P-43,218.

Direct all correspondence to:  
Saliwanchik, Lloyd & Saliwanchik  
2421 N.W. 41st Street, Suite A-1  
Gainesville, FL 32606-6669  
USA

009743-0346260

8

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C 1001 and that such willful false statements may jeopardise the validity of the application or any patent issued thereon.

1-00 Full name of sole or First Inventor John Francis MARTIN

Inventor's signature

Residence address London, United Kingdom. GBX

Post Office address

The Cruciform Project, Saint Martin's House,  
Tottenham Court Road, London W1P 9LN, United Kingdom.

Country of Citizenship United Kingdom.

Date of signature 17.5.99

2-00 Full name of Second Inventor Seppo YLA-HERTTUALA

Inventor's signature

Residence address Kuopio, Finland. FIX

Post Office address

A.I. Virtanen Institute, University of Kupio, P.O. Box 1627,  
70211 Kuopio, Finland.

Country of Citizenship Finland.

Date of signature 19.5.99

3-00 Full name of Third Inventor Stephen George Edward BARKER

Inventor's signature

Residence address London.

Post Office address

The Vascular Unit, Department of Surgery,  
Sir Jules Thorn Building, The Middlesex Hospital,  
Mortimer Street, London W1N 8AA.

Country of Citizenship United Kingdom.

Date of signature 17/5/99

09207486-051499